

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
X-----X

ECF #

LOOK ABOVE LLC,

Plaintiff,

v.

22 cv 03418 (ALC) (KHP)

PPE SOLUTIONS GROUP, LLC,

JURY TRIAL DEMANDED

Defendant.

X-----X

EXHIBIT "A" TO

LOOK ABOVE LLC'S

PRE-MOTION CONFERENCE LETTER

DATED 18 OCTOBER 2023

anthony.sabino sabinolaw.com

To: Kerry Verdi
Subject: Look Above PPE Solutions SDNY

14 September 2023

WITHOUT PREJUDICE---ALL RIGHTS RESERVED

Dear Kerry:

I trust this finds you well. Given that tomorrow is the 15th, and the next installment settlement payment is due then,

I would be most appreciative if you would keep me apprised of the status of the payment.

Of course, I shall confirm receipt thereof once I check with my bank. Thank you.

On a personal note, I trust your family is well, and your son has fully recovered from his little mishap.

Best,

Anthony Sabino

Anthony Michael Sabino, Esq.

SABINO & SABINO, P.C.

Attorneys at Law

92 Willis Avenue, 2d Floor

Mineola, New York 11501

Tel: (516) 294-3199; Fax: (516) 747-9405

Email: Anthony.Sabino@sabinolaw.com

Website: www.sabinolaw.com

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anthony.sabino sabinolaw.com

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Friday, September 15, 2023 11:07 AM
To: anthony.sabino sabinolaw.com
Subject: RE: Look Above PPE Solutions SDNY

Anthony,

My client is still working to get the funds, they are hopeful they will go out today but it is possible they will be slightly late. They have assured me they will pay as they have done in the past. Once I have additional information, I will be sure to pass it along.

On a personal note, my son is down to just one arm brace now and was cleared to play tennis last week (his favorite sport) and yesterday he made his middle school team. So I think the broken arms are just about, officially behind us! Thanks for asking.

I hope you are doing well,
Kerry

From: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Sent: Thursday, September 14, 2023 12:13 PM
To: Kerry Verdi <kverdi@verdiogletree.com>
Subject: Look Above PPE Solutions SDNY

14 September 2023

WITHOUT PREJUDICE--ALL RIGHTS RESERVED

Dear Kerry:

I trust this finds you well. Given that tomorrow is the 15th, and the next installment settlement payment is due then,

I would be most appreciative if you would keep me apprised of the status of the payment.

Of course, I shall confirm receipt thereof once I check with my bank. Thank you.

On a personal note, I trust your family is well, and your son has fully recovered from his little mishap.

Best,

Anthony Sabino

Anthony Michael Sabino, Esq.
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92 Willis Avenue, 2d Floor
Mineola, New York 11501

anthony.sabino sabinolaw.com

To: Kerry Verdi
Subject: RE: Look Above PPE Solutions SDNY

18 September 2023

WITHOUT PREJUDICE----ALL RIGHTS RESERVED

Dear Kerry:

Thank you for your email of last Friday, 15 September, regarding the installment payment due on or before that date.

Your assurance of prompt payment is appreciated, and please keep me informed as to the status thereof.

Needless to say, Look Above reserves all of its rights to take appropriate action, if necessary.

On the same personal note previously mentioned, I am pleased to hear that your son has been cleared to return to at least some athletic activities, and my compliments that he made his middle school team. Well done!

Tennis is an excellent sport; my grandchildren are much younger than your son, but two of them have started to take beginning instruction.

I wish you and your family well.

Looking forward to hearing from you regarding the 15 September payment, I remain,

With best regards,

Anthony Sabino

For the Firm

For Look Above

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Friday, September 15, 2023 11:07 AM
To: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Subject: RE: Look Above PPE Solutions SDNY

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My client is still working to get the funds, they are hopeful they will go out today but it is possible they will be slightly late. They have assured me they will pay as they have done in the past. Once I have additional information, I will be sure to pass it along.

anthony.sabino sabinolaw.com

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Wednesday, September 20, 2023 2:26 PM
To: anthony.sabino sabinolaw.com
Subject: RE: Look Above PPE Solutions SDNY

Hi Anthony,

I wanted to let you know that I received an update from my client today. He said they are hoping to have the funds sent early next week. I will certainly keep you posted.

And thanks – my son's favorite sport is tennis (and my dad played in college) so I am so happy for him that he made the team and can put those broken wrists behind him! And since it is the one sport I can actually play with him (basketball is his other sport and not one I am any good at!) I am happy to be back on the court with him as well. ☺

I will be in touch hopefully soon.

Jerry

From: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Sent: Monday, September 18, 2023 11:34 AM
To: Kerry Verdi <kverdi@verdiogletree.com>
Subject: RE: Look Above PPE Solutions SDNY

18 September 2023

WITHOUT PREJUDICE----ALL RIGHTS RESERVED

Dear Kerry:

Thank you for your email of last Friday, 15 September, regarding the installment payment due on or before that date.

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Tennis is an excellent sport; my grandchildren are much younger than your son, but two of them have started to take beginning instruction.

I wish you and your family well.

Looking forward to hearing from you regarding the 15 September payment, I remain,

With best regards,

Anthony Sabino

anthony.sabino sabinolaw.com

To: Kerry Verdi
Subject: RE: Look Above PPE Solutions SDNY

21 September 2023

WITHOUT PREJUDICE---ALL RIGHTS RESERVED

Dear Kerry:

Very well. Please keep us posted, but your clients are respectfully reminded that they are already several days late regarding their explicit obligations.

As always, Look Above reserves in full all of its rights to take appropriate action at a time of its sole choosing.

I look forward to hearing from you.

Respectfully,

Anthony Sabino

For the Firm

For Look Above

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Wednesday, September 20, 2023 2:26 PM
To: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Subject: RE: Look Above PPE Solutions SDNY

Hi Anthony,

I wanted to let you know that I received an update from my client today. He said they are hoping to have the funds sent early next week. I will certainly keep you posted.

And thanks – my son’s favorite sport is tennis (and my dad played in college) so I am so happy for him that he made the team and can put those broken wrists behind him! And since it is the one sport I can actually play with him (basketball is his other sport and not one I am any good at!) I am happy to be back on the court with him as well. 😊

I will be in touch hopefully soon.

Jerry

From: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Sent: Monday, September 18, 2023 11:34 AM
To: Kerry Verdi <kverdi@verdiogletree.com>
Subject: RE: Look Above PPE Solutions SDNY

anthony.sabino sabinolaw.com

To: Kerry Verdi
Subject: Look Above PPE Solutions SDNY

27 September 2023

WITHOUT PREJUDICE---ALL RIGHTS RESERVED

Dear Attorney Verdi:

I trust this finds you well.

As of today, PPE Solutions is more than ten (10) days late and almost two (2) weeks late with the installment payment that was due on or before 15 September.

Demand is respectfully made that PPE Solutions immediately make the overdue payment.

As always, Look Above reserves all of its rights to take appropriate action, at a time and of a kind at its sole discretion.

I look forward to hearing from you. With thanks, I remain,

Anthony Michael Sabino

For the Firm

For Look Above

Anthony Michael Sabino, Esq.

SABINO & SABINO, P.C.

Attorneys at Law

92 Willis Avenue, 2d Floor

Mineola, New York 11501

Tel: (516) 294-3199; Fax: (516) 747-9405

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anthony.sabino sabinolaw.com

To: Kerry Verdi
Subject: RE: Look Above PPE Solutions SDNY

27 September 2023

Please do. It would be appreciated.

With thanks, AMS

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Wednesday, September 27, 2023 1:52 PM
To: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Subject: RE: Look Above PPE Solutions SDNY

Thank you Anthony. I will reach out to my client and be in touch as soon as possible.

From: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Sent: Wednesday, September 27, 2023 11:03 AM
To: Kerry Verdi <kverdi@verdiogletree.com>
Subject: Look Above PPE Solutions SDNY

27 September 2023

WITHOUT PREJUDICE---ALL RIGHTS RESERVED

Dear Attorney Verdi:

I trust this finds you well.

As of today, PPE Solutions is more than ten (10) days late and almost two (2) weeks late with the installment payment that was due on or before 15 September.

Demand is respectfully made that PPE Solutions immediately make the overdue payment.

As always, Look Above reserves all of its rights to take appropriate action, at a time and of a kind at its sole discretion.

I look forward to hearing from you. With thanks, I remain,

Anthony Michael Sabino

For the Firm

For Look Above

anthony.sabino sabinolaw.com

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Friday, September 29, 2023 10:42 AM
To: anthony.sabino sabinolaw.com
Subject: RE: Look Above PPE Solutions SDNY

Anthony,

My client sent the following and asked me to forward it to you:

"I trust this communication finds you well. I am writing to inform you about the payment that was due on 15th September under our ongoing settlement agreement in the case of Look Above LLC v. PPE Solutions Group, LLC 22-cv-03418 (ALC) {KHP} {S.D.N.Y.}.

Regrettably, we were unable to remit the payment on the aforementioned date due to unforeseen delays in the receipt of inbound funds which are beyond our control. We would like to assure you that this setback does not in any way diminish our firm commitment to fulfill our obligations as per the settlement agreement. To date, we have made all required payments, albeit some have been remitted later than initially scheduled due to similar unforeseen circumstances.

We anticipate a resolution to these financial constraints very soon and are optimistic about remitting the overdue payment shortly. Our team is actively working to expedite this process to ensure that we remain compliant with the terms of the settlement agreement. The transparent and prompt communication of these developments underscores our earnest approach towards honoring our obligations, even amidst challenging circumstances.

We sincerely appreciate your understanding and patience as we navigate through this temporary setback. Our dedication to resolving this matter expeditiously remains unyielding, and we look forward to continuing our cooperative efforts towards a satisfactory resolution.

Thank you for your attention to this matter.

Warm regards,"

From: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Sent: Wednesday, September 27, 2023 1:54 PM
To: Kerry Verdi <kverdi@verdiogletree.com>
Subject: RE: Look Above PPE Solutions SDNY

27 September 2023

Please do. It would be appreciated.

With thanks, AMS

From: Kerry Verdi <kverdi@verdiogletree.com>
Sent: Wednesday, September 27, 2023 1:52 PM
To: anthony.sabino sabinolaw.com <anthony.sabino@sabinolaw.com>
Subject: RE: Look Above PPE Solutions SDNY

SABINO & SABINO, P.C.

ATTORNEYS AT LAW

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516-294-3199

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ANTHONY MICHAEL SABINO
MARY JANE C. SABINO (1957-2006)

ADMITTED IN NEW YORK

PENNSYLVANIA

AND THE UNITED STATES

SUPREME COURT

VIA EMAIL AND REGULAR MAIL

2 October 2023

Kerry Brainard Verdi, Esq.
Verdi & Ogletree PLLC
1325 G Street, NW, Suite 500
Washington, D.C. 20005

Re:Look Above LLC v. PPE Solutions Group, LLC
22-cv-03418 (ALC) (KHP) (S.D.N.Y.)

WITHOUT PREJUDICE---ALL RIGHTS RESERVED

Dear Attorney Verdi:

I trust this finds you well. I am in receipt of your email, dated 29 September 2023, wherein you transmitted, verbatim, the Defendant PPE Solutions' assertions regarding its failure, to date, to make the 15 September 2023 settlement installment payment. Let me preface my substantive comments below by stating that I hold you in no way responsible for your client's behavior. The following is directed solely towards PPE.

Look Above rejects PPE's position out of hand. PPE's alleged financial difficulties, even if true, are PPE's problem. PPE's issues in no way absolve it or relieve PPE of its obligation to pay. The controlling settlement agreement lacks any provision or mechanism which excuses lack of payment. There is no clause for forbearance or extensions. Moreover, the excuses proffered by PPE---and Look Above views them as merely that, excuses---are not only unsubstantiated and vague, these assertions closely mirror the same obfuscations which engendered the commencement of the instant litigation in the first place.

Respectfully, Look Above insists upon immediate payment. Otherwise, Look Above shall exercise any and all of its options, including, but not limited to, returning to the Court to seek an appropriate remedy. Look Above, of course, reserves all of its rights.

Please advise PPE to judge its actions accordingly. Thank you. I remain, respectfully,

Very truly yours,

Anthony Michael Sabino

cc:Look Above
AMS/dal

